

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

SYED K. RAFI PHD,

Plaintiff,

v.

HARVARD UNIVERSITY MEDICAL SCHOOL,  
BRIGHAM AND WOMEN'S HOSPITAL,  
CYNTHIA C. MORTON PHD, RICHARD L. MAAS  
MD PHD, MASSACHUSETTS GENERAL  
HOSPITAL, MARCY E. MACDONNALD PHD,  
CHILDREN'S HOSPITAL BOSTON, and  
MIRA B. IRONS MD,

Defendants.

Civil Action No.: 20-CV-10038-NMG

SYED K. RAFI PHD,

Plaintiff,

v.

HARVARD UNIVERSITY MEDICAL SCHOOL,  
BRIGHAM AND WOMEN'S HOSPITAL,  
CYNTHIA C. MORTON PHD, RICHARD L. MAAS  
MD PHD, MASSACHUSETTS GENERAL  
HOSPITAL, MARCY E. MACDONNALD PHD,  
CHILDREN'S HOSPITAL BOSTON, and  
MIRA B. IRONS MD,

Defendants.

Civil Action No.: 20-CV-10521-NMG

**JOINT MOTION TO CONSOLIDATE**  
**(Memorandum of Law Incorporated)**

Defendants jointly move to consolidate the above-captioned actions (the “Actions”). As grounds therefor, defendants state:

1. Under Fed. R. Civ. P. 42, the Court may consolidate actions that “involve a common question of law or fact.” In such circumstances, the Court may also “issue any other orders to avoid unnecessary cost or delay.”
2. The complaints in the Actions are identical in all material respects. All parties are the same. Differences between the two documents are limited to modest additional material appearing in the complaint in the second action (20-CV-10521-NMG) at pages 8, 11, and 58-59, changes in date references from “2019” to “2020,” a revised complaint title, and references to a new “Exhibit 23” (no exhibits were filed in the second action). Although the state court docket reflects that plaintiff filed an Amended Complaint on March 5, 2020 in the second action, no defendant has received service of that document.<sup>1</sup>
3. This Court has consolidated duplicative actions filed by this plaintiff in the past. As described in motions to dismiss pending in the Actions, plaintiff Syed K. Rafi, Ph.D. has repeatedly asserted similar claims against certain of the defendants. This includes Rafi v. Brigham & Women’s Hospital, et al., 14-CV-14017-GAO; Rafi v. Children’s Hospital Boston, et al., 14-CV-14205-GAO; and Rafi v. Cynthia Morton, Ph.D., 18-CV-10482-NMG. The two 2014 actions were consolidated by the Court sua sponte. In ordering consolidation, the Court noted, citing Rule 42, that “[t]he parties have been treating these two cases as one by, among other things, filing nearly identical papers in each. Because the cases share overlapping questions of law and fact, these actions are consolidated for all purposes.”

---

<sup>1</sup> A certified copy of all state court filings has been requested and will be submitted to this Court pursuant to Local Rule 5.4(f).

4. Consolidation of the Actions will avoid needlessly duplicative filings and proceedings, which serves the interests of judicial economy and reduces unnecessary expenditure of the parties' time and resources.

5. Plaintiff will in no way be prejudiced by consolidation of the Actions.

#### CONCLUSION

WHEREFORE, defendants respectfully request the Court enter an order consolidating the above-captioned actions.

Respectfully submitted,

BOSTON CHILDREN'S HOSPITAL and  
MIRA IRONS, MD,

By their attorneys,

/s/ Amy E. Serino  
Tracey E. Spruce (BBO# 638124)  
Amy E. Serino (BBO# 643664)  
Spruce Law LLC  
35 New England Business Center Drive  
Suite 220  
Andover, MA 01810  
Tel: (978) 296-3027  
tspruce@sprucelawllc.com  
aserino@sprucelawllc.com

BRIGHAM AND WOMEN'S HOSPITAL,  
CYNTHIA MORTON, PHD, RICHARD  
MAAS, MD, PHD, MASSACHUSETTS  
GENERAL HOSPITAL, and MARCY  
MACDONALD PHD,

By their attorneys,

/s/ Brian E. Sopp  
Robert R. Hamel, Jr. (BBO# 567194)  
Brian E. Sopp (BBO# 690940)  
Hamel, Marcin, Dunn, Reardon, & Shea  
350 Lincoln St, Suite 1101  
Hingham, MA 02043  
(617) 482-0007  
rhamel@hmdrlaw.com  
bsopp@hmdrlaw.com

HARVARD UNIVERSITY MEDICAL  
SCHOOL,

By its attorneys,

/s/ Allison B. Cherundolo  
Gregory A. Manousos (BBO# 631455)  
Allison B. Cherundolo (BBO# 681632)  
Morgan, Brown & Joy, LLP  
200 State Street, Floor 11  
Boston, MA 02109-2605  
T: 617-523-6666  
F: 617-367-3125  
gmanousos@morganbrown.com  
acherundolo@morganbrown.com

Dated: April 22, 2020

**LOCAL RULE 7.1 CERTIFICATION**

Pursuant to Local Rule 7.1, undersigned counsel states that on April 14-15, 2020, she conferred by email with plaintiff, who is appearing *pro se*, in good faith to resolve or narrow the issues addressed herein.

/s/ Amy E. Serino  
Amy E. Serino

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the NEF (NEF) and paper copies will be sent to those indicated as non-registered participants on April 22, 2020.

/s/ Amy E. Serino  
Amy E. Serino